

RICHARD D. EMERY
ANDREW G. CELLI, JR.
MATTHEW D. BRINCKERHOFF
JONATHAN S. ABADY
ILANN M. MAAZEL
ERIC HECKER
MARIANN MEIER WANG
SARAH NETBURN
KATHERINE ROSENFELD
O. ANDREW F. WILSON
ELIZABETH S. SAYLOR
KENNISHA A. AUSTIN

EMERY CELLI BRINCKERHOFF & ABADY LLP

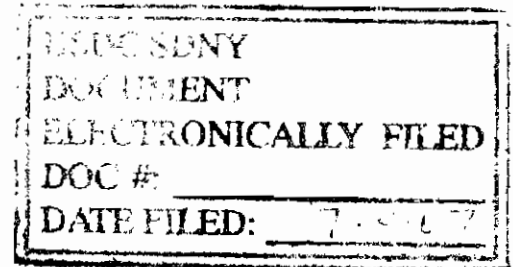
ATTORNEYS AT LAW
75 ROCKEFELLER PLAZA
NEW YORK, NEW YORK 10019

TELEPHONE
(212) 763-5000
TELECOPIER
(212) 763-5001
WEB ADDRESS
www.eebalaw.com

June 27, 2007

By Hand

The Honorable Miriam Goldman Cedarbaum
U.S. District Court
Southern District of New York
500 Pearl Street
New York, NY 10007



Re: *Jeffrey Shavitz v. BGA Pharma, Inc.*, 07 Civ. 3331 (MGC)

Dear Judge Cedarbaum:

We represent defendant BGA Pharma, Inc. in the above-captioned case. We write to respectfully request a one-month extension of defendant's time to answer or otherwise respond to the Complaint, until August 1, 2007. **Plaintiff consents to defendant's request.** This is the parties' second request for an extension of time.

Plaintiff filed his Complaint on April 26, 2007, and served defendant on May 3, 2007. By consent of the parties and subsequent Order of this Court dated June 11, 2007, defendant's time to answer the Complaint was extended until tomorrow, June 28, 2007.

The reason for the requested extension is that the parties are still engaged in active negotiations that could resolve plaintiff's claims, and thus may alter the nature of (or even obviate the need for) defendant's answer. The parties have scheduled and will conduct a settlement conference during the week of July 16, 2007. Accordingly, defendant requests an extension of time until August 1, 2007 to answer or otherwise respond to the Complaint.

Respectfully submitted,

Katherine Rosenfeld
Katherine Rosenfeld (KR 8525)

SO ORDERED:

Miriam Goldman Cedarbaum
HON. MIRIAM GOLDMAN CEDARBAUM

c: Paul Ostensen, Esq., Attorney for Plaintiff Jeffrey Shavitz (by hand)

Copy to counsel
7/9/07
Δ